

REMARKS

Claims 1-38 are presently pending. Claim 31-38 have been added.

Applicant respectfully requests the Examiner to enter the foregoing amendments prior to taking further action in the present application. Applicant also respectfully requests the Examiner to consider the remarks appearing below.

Patentability of New Claims 31-38

Applicant asserts that new claims 31-38 are patentable in view of the references of record for essentially the same reasons Applicant set forth relative to claims 1-30 in the initial Response of April 28, 2004. In particular, Applicant refers the Examiner to Applicant's argument in that Response directed to the 35 U.S.C. § 103 rejection in view of the Conklin et al. patent. In that argument, Applicant noted that since Conklin et al. do not so much as suggest that potential participants are directly solicited, let alone provided with collateral material, by sponsors or active participants, the addition to the Conklin et al. method of a step of supplying collateral material to at least one potential customer would not have been obvious at the time of the invention. None of the other references of record provide any teaching or suggestion that would render this step obvious. Since each of new independent claims 31 and 35 contain this step, Applicant asserts that these claims, and claims 32-34 and 36-38 that depend therefrom, are patentable.

In addition, each of new independent claims 31 and 35 includes either the step of inputting the first unique site-code to an input field of the web-site by the at least one potential customer so as to access the unique information of one of the individual business owners, or instructing the potential customer to perform this step. As discussed in the April 28, 2004 Response, Conklin et al. are completely silent on such steps. Nor do any other references of record disclose or suggest such steps. Applicant submits that any assertion that either of these steps is obvious could only be made in hindsight of the new claims. Since hindsight is improper in formulating obviousness-type rejections, Applicant asserts that new independent claims 31 and 35, and claims 32-34 and 36-38 are patentable over the references presently of record.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-38, as amended, are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,
IPCAPITAL GROUP, INC.

By: 

Morgan S. Heller II
Registration No.: 44,756
Down Rachlin Martin PLLC
Tel: (802) 863-2375

Attorneys for Applicant

BTV.265619.1